

**Notice of Allowability****Application No.**

09/721,810

**Applicant(s)**

MILLER, BRAD A.

**Examiner**

Margaret B. Medley

**Art Unit**

1714

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/8/03 and 10/30/03.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                   |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>10/30/03</u> |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                           |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance          |
|  | 9 <input type="checkbox"/> Other _____   |

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Charles M. Cox on October 30, 2003.

The application has been amended as follows:

I. In the specification at page 3 at the beginning of line 2 of the first full paragraph before the term "hydrocarbons." Insert ---aliphatic---.

II. In claim 1, line 2 beginning with "greater" delete in the entirety and insert ---alkyl benzene and normal petroleum hydrocarbons.----

III. In claim 5, line 1 delete "formulation" and line 2 delete "greater than... comprising:"

IV. In claim 9 lines 2-3 delete "greater than...hydrocarbons" and insert ---a mixture of alkyl benzenes and normal petroleum hydrocarbons---.

V. In claim 14, lines 2-4, delete "comprising greater ...base oil" and insert ---of alkyl benzene and normal petroleum hydrocarbons---.

VI. In claim 19, line 1 delete "withdrawn" and line 2 delete "greater than 95 percent" and insert ---alkyl benzene and normal petroleum---.

VII. In claims 20, 21, 22 and 23 line 1 of each delete "withdrawn" and insert --- Previously presented---

VIII. In claim 24, line 1 delete "formulation" and insert ----hydrocarbons---

The following is an examiner's statement of reasons for allowance: Applicants agreed to the above amendment to the specification to overcome the issue of new matter. The instant claims as filed in the Request for Continued Examination raised the issue of new matter and confusing under the second paragraph of 35 U.S. C. 112. After a discussion with applicants' representative on October 29, 2003 it was agreed that the pending claims did not refer to the alkyl benzene components that was present in the Table of Example and the other examples of record. Applicants' representative on October 29, 2003 faxed the requested amendments to the claims to the examiner and on October 30, 2003 authorized the examiner to enter the amendments by an examiner amendment. The examiner also withdrew the restriction requirement that was previously present in the instant application with respect to claim 19-23 and the said claims were reinstated in the instant application and searched with pending claims 1-18 and 24. In view of the above amendments, the instant claims are deemed to be allowable over the prior art made of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret B. Medley whose telephone number is 703-308-2518. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
Margaret B. Medley  
Primary Examiner  
Art Unit 1714

MBMedley  
October 30, 2003